

OCDM LEGISLATIVE PROGRAM

1959

Part III - Item B

NATIONAL DEFENSE CIVILIAN RESERVE ACT

**Executive Office of the President
Office of Civil and Defense Mobilization**

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION
WASHINGTON 25, D. C.**

OFFICE OF THE DIRECTOR

Identical letter to:

**Honorable Sam Rayburn, Speaker
House of Representatives
Washington 25, D. C.**

**Honorable Richard M. Nixon
The President of the Senate
United States Senate
Washington 25, D. C.**

Transmitted herewith is a draft of a bill "To authorize the establishment of a National Defense Civilian Reserve and to provide for the training of such reservists and their call to active duty in the event of a national emergency declared by the President or the Congress, and for other purposes."

The purpose of the proposed legislation is to authorize the establishment and pre-emergency training of a National Defense Civilian Reserve. Studies and experience have indicated that in the event of a civil defense emergency, or other national emergency, while certain required additional top level positions may be filled through the "Executive Reserve" Program of the Federal Government conducted under the Defense Production Act, a severe shortage of trained and skilled manpower in professional, specialized, and administrative skills at other than the executive level will exist. Enactment of this proposal will provide a system for the training of personnel reserves in order to effectively meet such manpower requirements during a national emergency.

Under Section 2 of the Bill, the President may authorize the heads of Executive Departments or agencies to establish units of a National Defense Civilian Reserve, in accordance with regulations prescribed by the President. Departments or agencies having established units may select and designate persons to serve in such units and provide

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for their pre-emergency training. Members of the Reserve in training status do not become employees or officials of the Federal Government, except for the purposes of coverage under the Federal Employees Compensation Act.

Section 3 of the Bill provides for the President to make appropriate provision for the administration and operation of the Act, by delegation or otherwise. Authority delegated by the President under this section may be redelegated if he so authorizes. Appropriate regulations governing the administration and operation of the Act are provided for.

Section 4 of the Bill authorizes payment of travel expenses and per diem allowances for members of the Reserve in training status. Such expenses are to be paid in accordance with the Travel Expenses Act of 1949, as amended, and Standardized Government Travel Regulations. In addition, provision is made for the payment of reservists in training status when the head of the Department or agency concerned finds that such payment is necessary to avoid hardship or inequity to the individual reservist concerned.

This provision is necessary in order to achieve a status of operational readiness for such reserve units. For example, at some Federal Regional and field offices and at emergency relocation sites of Departments or agencies, without such authority it might be impossible to recruit and train reservists at such geographic locations. Without the immediate availability of such essential operating capacity, the effectiveness and emergency readiness of such Federal offices and relocation sites would be drastically reduced. The pay provisions for such restricted and hardship cases, to enable reservists to undergo the necessary training without undue personal sacrifices on their part, is therefore a necessary arrangement to effectively implement the provisions of the bill. Reservists receiving pay while in training may not exceed 20 per cent of the total authorized strength of the reserve units of such Department.

Section 5 of the Bill provides for appropriate security requirements and safeguards for the operation of reserve units. In training or consultant activities, and in the event of call to active duty, many

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reservists must have access to classified or restricted data involving the national security. Naturally, the requirement of immediate availability during a period of a national emergency will not permit the delay that the post-emergency processing of security clearances would require. Accordingly, arrangements must be made for the pre-emergency security clearance. Full field investigations for members of the National Defense Civilian Reserve must be held to the minimum required for the effective operation of units concerned.

Section 6 authorizes the provisional appointment of members of reserve units to positions in the Executive Department or agency involved. Such provisional appointment is conditioned upon the completion of the prescribed courses of training, meeting the necessary security standards, the taking of the oath of allegiance to the United States, and such other administrative requirements as may be necessary.

Administrative and personnel details must be completed during the pre-emergency period in order that, upon the call of such reservists to active duty, nothing further will be required of such reservists in order to immediately enter upon and discharge their duties.

Members called to active duty under the program do not become permanent employees of the Federal Government. Upon being called to active duty they accordingly acquire no tenure or status in the competitive service, or any other benefits under the Civil Service Commission laws except coverage under the Federal Employees Compensation Act.

Section 7 specifically provides that members of reserve units shall be called to active duty only during a national emergency, except for training or consulting purposes.

A national emergency calling into play the provisions of the bill may be proclaimed by the President or the Congress in a concurrent resolution; or will exist during the period of a civil defense emergency proclaimed by the President pursuant to the Federal Civil Defense Act of 1950, as amended.

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Section 8 defines "Department" as used in the bill to mean (a) each Executive Department; (b) each independent establishment or agency in the Executive Branch; (c) Government owned or controlled corporations; and (d) the Municipal Government of the District of Columbia.

Section 9 of the bill exempts members of the Reserve who are not full-time government employees from the Conflict of Interests statutes.

Section 10 authorizes Departments and agencies to utilize appropriations for the operation of such Departments for the expenses of carrying out the provisions of the bill.

Surveys within the Federal Government have indicated the need for National Defense Civilian Reserve units in the Department of Defense, the Department of State, the Department of Commerce, the Department of Agriculture, the General Services Administration, the Central Intelligence Agency, the Office of Civil and Defense Mobilization; and other Departments.

Enactment of this proposal would increase the budgetary requirements of the Federal Government by \$640,000 for the payment of travel and per diem expenses for the first fiscal year following its enactment. Five year costs for these purposes are estimated at \$3,200,000. Per diem payment of reservists is not expected to exceed \$250,000 per annum, or a total of \$1,250,000 for the first five years after enactment.

This legislative proposal constitutes a portion of the President's program. It is respectfully requested that it be introduced in order that it may be considered for enactment.

Sincerely,

Leo A. Hoegh

Enclosure

A BILL

To authorize the establishment of a National Defense Civilian Reserve and to provide for the training of such reservists and their call to active duty in the event of a national emergency declared by the President or the Congress, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heads of the Federal Departments and agencies, including Government owned and operated corporations and the District of Columbia, are authorized to establish units of a National Defense Civilian Reserve and provide for the training of members thereof; and to call such reservists to active duty in the event of a national emergency as declared by the President or Congress.

SEC. 2. Subject to such regulations as he may prescribe, the President may authorize the heads of Departments to establish units of a National Defense Civilian Reserve. The Departments which have established units of the National Defense Civilian Reserve may select and designate persons to serve in such units and persons so designated may be called to duty for pre-emergency training without regard to the Civil Service laws, ^{GOU TEMPL TRG ACT,} or the Classification Act of 1949, as amended, or other laws relating to the appointment of persons to the Department concerned; Provided, however, that during such periods

as persons designated as members of units of the National Defense Civilian Reserve are undergoing training, such persons shall not be or become employees or officials of the Federal Government, except for the purpose of coverage under the Federal Employees Compensation Act. ||

SEC. 3. The President may provide, by delegation or otherwise, for the appropriate administration of the provisions of this Act, including such consultation as may be required with Departments designated to establish units of the Executive Reserve, and for the issuance of regulations and for the administration and operation of the program. The President may authorize the redelegation of authority delegated under this Act.

SEC. 4. Any member of a unit of the reserve, who is temporarily called to duty for training purposes, may be:

(a) Paid travel expenses from his place of residence to and from his place of training, such expenses to be in accordance with the Travel Expenses Act of 1949, as amended, and Standard Government Travel Regulations; and per diem allowances in lieu of subsistence in accordance with applicable law; (5 USC 835-842)

(b) Upon the determination of the head of the Department, any member of a reserve unit may be paid for the period of orientation and training, without regard to the Classification Act of 1949, as amended,

or other pay statutes covering regular employees of the Department concerned: Provided, however, that the number of reservists receiving pay under this provision shall not exceed twenty per cent of the total authorized strength of such reserve units: Provided, further, payments shall be made to reservists under this subsection only upon a determination by the head of the Department concerned (or his designee) that payment in the specific instance is necessary to avoid hardship and inequity on the part of the individual reservist concerned.

at one time?

SEC. 5. The President may provide by regulation for the appropriate security requirements and safeguards, including full field investigations where necessary, for members of units of Departments concerned. To the extent consistent with national security and the national interest, full field investigations shall be held to the minimum required for the effective operation of the unit.

SEC. 6. When members of the National Defense Civilian Reserve have completed the prescribed courses of training, met the security standards, taken the prescribed oath, and met such other requirements as may be prescribed under the terms of this Act, such members may be provisionally appointed to positions in the Department and in the event of their call to active duty by reason of a national emergency, may enter upon and perform their duties without further

formality or without regard to other provisions of law relating to appointment, tenure, or status. Members called to active duty shall not thereby acquire competitive status, tenure, or other benefits under the ~~Civil~~ Service laws, except that they shall be paid in accordance with the provisions of the Federal Employees Compensation Act.

SEC. 7. Except for training or consultant purposes, members of units of the National Defense Civilian Reserve shall be called to active duty only during a national emergency. Such national emergency may be proclaimed by the President or by the Congress in a concurrent resolution; or by the declaration of a Civil Defense Emergency as provided for in the Federal Civil Defense Act of 1950, as amended.

SEC. 8. Unless otherwise required by the context, the term "Department" means (a) each Executive Department, (b) each independent establishment or agency in the Executive Branch, (c) Government owned or controlled corporations subject to Title I or Title II of the Government Corporations Control Act, and (d) the Municipal Government of the District of Columbia.

SEC. 9. Members of units of the National Defense Civilian Reserve who are not full-time government employees shall be exempt from the operation of Sections 281, 283, 434, and 1914 of Title 18, USC, and Section 190 of the revised statutes. (5 USC 99)

conflict of interest
7
24 - employees
Salary

SEC. 10. Appropriations available to a Department having established, under the provisions of this Act, units of the National Defense Civilian Reserve, shall be available for the expenses of such units in carrying out the provisions of this Act.

APPENDIX A -- DRAFT LEGISLATION

A BILL

To authorize heads of Federal departments and agencies to establish programs to meet immediate staffing requirements in a national emergency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the heads of Federal departments and agencies, including Government owned and operated corporations and the Municipal Government of the District of Columbia, are authorized to provide standby civilian reserves or nucleus staffs to the extent necessary to meet immediate staffing requirements in a national emergency which cannot be met from the regular staff of the department or agency.

Sec. 2. Heads of departments and agencies or their designated representatives may select and designate persons for such reserves or nucleus staffs, and may call them to duty for pre-emergency training or orientation in an employment or other appropriate status determined by the agency head, without regard to Civil Service or other comparable laws affecting the appointment of persons to the department or agency concerned.

Sec. 3. Heads of Federal departments and agencies may provide such pre-emergency orientation and training for such civilian reserves or nucleus staffs as may be necessary for meeting immediate national emergency responsibilities. Training and orientation provided under this

authority shall be limited to periods of such duration and frequency as may be provided by regulations issued by the Office of Defense Mobilization under Section 8 of this Act.

Sec. 4. A person who is receiving orientation or training under authority of Section 3 of this Act, including persons not appointed to Federal rolls, may be:

- (a) paid for the period of orientation and training without regard to the Classification Act of 1949, as amended, or other pay statutes covering regular employees of the department or agency concerned. To the extent practicable and consistent with the government's interest, pay rates established under this authority shall not exceed those established for comparable jobs occupied by regular employees of the agency;
- (b) paid travel expenses from his place of residence to and from the place of training, not in excess of travel expenses allowable for Federal civilian employees under Sections 835 to 843 of Title 5 of the U. S. Code;
- (c) paid, while traveling from his place of residence to and from the place of training and while in training, away from his place of residence, an amount per day in lieu of subsistence that is not in excess of the amount payable to Federal civilian employees under Sections 835 to 842 of Title 5 of the U. S. Code.

Sec. 5. Persons selected and designated for the civilian reserves or nucleus staffs shall be subject to the same security and suitability investigation and clearance as required for appointment to the Federal department or agency concerned.

Sec. 6. Civilian reservists or nucleus staff personnel may be called to full-time duty in a national civil defense emergency and:

(a) appointed without regard to Civil Service Laws and Rules;

(b) paid without regard to the Classification Act, or other pay

statutes covering regular employees of the department or agency concerned, but to the extent practicable and in the Government's interest not in excess of rates established for comparable jobs occupied by regular employees of the agency;

(c) paid travel expenses and per diem in lieu of subsistence

while traveling from place of residence to the assigned post of duty, not in excess of expenses allowable and amounts payable to Federal civilian employees under Sections 835 to 842 of Title 5 of the U. S. Code.

Sec. 7. Civilian reservists or nucleus staff personnel may also be called to full-time duty in a non-civil defense national emergency, and

(a) appointed to positions in the competitive service without regard to Civil Service Laws and Rules under regulations and standards prescribed by the Civil Service Commission, and

(b) paid travel expenses and per diem in lieu of subsistence while

traveling from place of residence to the assigned post of duty,

not in excess of expenses allowable and amounts payable to

Federal civilian employees under Sections 835 to 842 of Title 5

of the U. S. Code.

Sec. 8. Except for the authority given the Civil Service Commission under Section 7 above, the Office of Defense Mobilization is authorized to issue and obtain compliance with such regulations as may be necessary for the administration of this Act, including regulations covering selection, appointment, employment status, rates of pay, travel, per diem, training, and call to duty.

Sec. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. In the absence of such an appropriation any appropriation available to the Federal department or agency concerned for civilian salaries, training, and travel and subsistence expenses may be used to carry out the provisions of this Act.